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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Patent Examining Operations

#4
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Applicant(s):	Paul Young		
Serial No:	09/954,456	Art Unit: ~~1645~~ 1631	
Filed:	18 September 2001	Examiner: Unassigned	
Title:	PROCESS FOR IDENTIFYING ANTI-CANCER THERAPEUTIC AGENTS USING CANCER GENE SETS		
Docket No:	669290-76		

BOX SEQUENCE
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Prior Art Statement

Sir:

In addition to the enclosed Information Disclosure Statement and List of References (Form 1449), Applicant notes for the record that the claims of the above-referenced patent application relate to novel uses of the recited genes, gene sequences and expression products in assays for chemotherapeutic agents as well as in the diagnosis of cancer and the presence of cancer-related genes and proteins in cells and tissues. The nucleotide sequences themselves were not claimed.

In an effort to assist the Examiner, Applicant encloses herewith on diskette copies of the gene sequences and their corresponding GenBank Accession Numbers as first disclosed in the provisional applications relied on for priority in the present application.

These are as follows:

1. Filename = Lung-1.txt – sequences and accession numbers listed in Figure 1 of U.S. Provisional Application 60/235,637 (filed 26 September 2000). There are 92 sequences contained in this listing (corresponding to SEQ ID NO: 1-92, respectively, of the application), which represent genes or gene sequences expressed lung adenocarcinoma that are not expressed at appreciable levels in normal lung cells.

2. Filename = Lung-2.txt – sequences and accession numbers listed in Figure 1 of U.S. Provisional Application 60/235,638 (filed 26 September 2000). There are 203 sequences contained in this listing (corresponding to SEQ ID NO: 93-295, respectively, of the application), which represent genes or gene sequences expressed in normal lung cells that are not expressed at appreciable levels in lung adenocarcinoma.

3. Filename = Lung-3.txt – sequences and accession numbers listed in Figure 1 of U.S. Provisional Application 60/235,863 (filed 27 September 2000). There are 248 sequences contained in this listing (corresponding to SEQ ID NO: 296-543, respectively, of the application), which represent genes or gene sequences expressed in non-cancerous lung tissue that are not expressed at appreciable levels in malignant lung samples.

4. Filename = Lung-4.txt – sequences and accession numbers listed in Figure 1 of U.S. Provisional Application 60/235,720 (filed 27 September 2000). There are 207 sequences contained in this listing (corresponding to SEQ ID NO: 544-750, respectively, of the application), which represent genes or gene sequences expressed in malignant lung samples that are not expressed at appreciable levels in non-malignant lung cells

5. Filename = Lung-5.txt – sequences and accession numbers listed in Figure 1 of U.S. Provisional Application 60/235,711 (filed 27 September 2000). There are 59 sequences contained in this listing (corresponding to SEQ ID NO: 751-809, respectively, of the application), which represent genes or gene sequences expressed in both normal

and malignant lung adenocarcinoma but are up-regulated by at least about 2 fold in lung adenocarcinoma.

6. Filename = Lung-6.txt – sequences and accession numbers listed in Figure 1 of U.S. Provisional Application 60/235,134 (filed 25 September 2000). There are 144 sequences contained in this listing (corresponding to SEQ ID NO: 810-953, respectively, of the application), which represent genes or gene sequences expressed at appreciable levels in normal lung samples but are not typically expressed in lung squamous cell carcinoma.

7. Filename = Lung-7.txt – sequences and accession numbers listed in Figure 1 of U.S. Provisional Application 60/234,052 (filed 20 September 2000). There are 235 sequences contained in this listing (corresponding to SEQ ID NO: 954-1188, respectively, of the application), which represent genes or gene sequences expressed at appreciable levels in lung neuroendocrine carcinoma that are not expressed at detectable levels in normal lung.

8. Filename = Lung-8.txt – sequences and accession numbers listed in Figure 1 of U.S. Provisional Application 60/234,9234 (filed 25 September 2000). There are 419254 sequences contained in this listing (corresponding to SEQ ID NO: 1189-1607, respectively, of the application), which represent genes or gene sequences expressed in normal lung tissue but not ordinarily expressed in neuroendocrine carcinoma of the lung.

9. Filename = Lung-9.txt – sequences and accession numbers listed in Figure 1 of U.S. Provisional Application 60/233,617 (filed 18 September 2000). There are 243 sequences contained in this listing (corresponding to SEQ ID NO: 1608-1850, respectively, of the application), which represent genes or gene sequences expressed in lung squamous cell carcinoma that are not expressed at detectable levels in normal lung.

10. Filename = Lung-10.txt – sequences and accession numbers listed in Figure 1 of U.S. Provisional Application 60/235,840 (filed 27 September 2000). There are 426 sequences contained in this listing (corresponding to SEQ ID NO: 1851-2276, respectively, of the application), which represent genes or gene sequences expressed in normal lung and lung adenocarcinoma but are down-regulated or under-expressed in lung adenocarcinoma relative to normal lung tissues.

All files are in text code (ASCII files) to facilitate searching and are contained on the accompanying diskettes (Lung-1 to 5 on Disk 1, Lung-6 to 9 on Disk 2, Lung-10 on Disk 3).

It should be noted that most of the references cited in the accompanying Form 1449 and IDS (except for references G1, H1 and M1) were published after the Applicants' claimed priority date and are thus not considered by Applicants as representing prior art but are submitted to illustrate the efforts currently being made in this field.

The Commissioner is authorized to charge payment of any fees required under 37 CFR 1.16 associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

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Deposit Date: 19 September 2002

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Alan J. Grant 9/19/02

Alan J. Grant, Esq. **Date**

Respectfully submitted,

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